

Cheltenham Borough Council

Licensing Committee – 6 September 2025

Review of Street Scene Activity Policies

Report of the Head of Public Protection

1. Introduction

- 1.1 The authority is currently consulting on two street scene activity policies – a proposed new Pavement Licensing policy and revisions to its adopted Street Scene policy.
- 1.2 This report outlines the policy proposals for the Licensing Committee to consider these and provide a response as it sees necessary and appropriate.
- 1.3 The Licensing Committee acts as consultee to the Cabinet Member for Safety and Communities on recommendations/responses for the adoption and review of licensing policy. It is with this in mind that the Licensing Committee is asked to consider the policy proposals and provide a response to these.

Recommendations:

- 1.4 The Licensing Committee is recommended to:
 - 1.4.1 Note the policy proposals; and
 - 1.4.2 Provide formal recommendations and/or responses to the Cabinet Member of Safety & Communities in relation to these.

Implications

Legal	There is no statutory requirement to undertake a review of the licensing policy in relation to street scene activities, but it is good practice to do so. Any legal implications are covered in the report. One Legal E-mail: legalservices@onelegal.org.uk
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2. Street Scene Activity Policy

- 2.1 Cheltenham Borough Council (the authority) previously adopted its Street Scene Activity policy in 2021.
- 2.2 The main purpose of this policy is to provide clarity to applicants, consultees, elected Members and other persons on how the authority will determine applications for charitable collections, consent to obstruct the public highway across the whole of the Borough of Cheltenham and other street scene activities and also to provide a basis for all licensing decisions taken by the authority and inform elected Members of the parameters within which licensing decisions can be made.
- 2.3 Following the introduction of the Business and Planning Act 2020, there is a separate legislation that governs the licensing of tables, chairs and other types of furniture that will assist premises with the sale of food and/or drink. Businesses can now apply to the authority for a Pavement Licence.

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- 2.4 This review is seeking views on the draft Pavement Licensing Policy and amendments to the existing Street Scene Policy.

3. Draft Pavement Licence Policy

- 3.1 The Business and Planning Act 2020 initially introduced temporary provisions for pavement licences to streamline the process for businesses selling food and drink to place furniture on the highway. These provisions were initially temporary due to the COVID-19 pandemic, allowing businesses to quickly obtain authorisation for pavement cafes.
- 3.2 Pavement licences have subsequently been extended and made permanent under the Levelling-up and Regeneration Act 2023.
- 3.3 By way of a summary, in England, a pavement licence allows businesses such as pubs, cafes, and restaurants to place removable furniture - like tables, chairs, and barriers - on public highways adjacent to their premises for the purpose of selling or serving food and drink or enabling customers to consume it outdoors.
- 3.4 Eligible businesses must apply electronically, pay a capped fee (£500 for new applications, £350 for renewals), and post a public notice on the premises. The application undergoes a 14-day public consultation, and if not determined within the subsequent 14-day period, the licence is automatically granted for two years.
- 3.5 The licence also grants deemed planning permission for the use of the highway space. However, it does not override other regulatory requirements, such as alcohol licensing.
- 3.6 Local authorities must ensure accessibility and safety, particularly for disabled users, and may revoke licences that breach conditions.
- 3.7 The authority does not currently have an adopted licensing policy for the, now, permanent pavement licensing provisions hence this draft policy and consultation.
- 3.8 The licensing process is largely prescribed through the legislation with some discretion on fees setting, local conditions and consultation. Outlined below are the policy proposals on the areas of discretion:
- 3.8.1 Fees - are set locally, and it is for the licensing authority to determine the appropriate charge. Fees are capped at a maximum of £500 for first time applications and £350 for renewals.

The policy proposes to set licensing fees at £500 for first time applications and £350 for renewals.

- 3.8.2 Duration - a local authority can specify the duration of the licence, up to a maximum period of 2 years. The official guidance states “To help support local businesses and give them more certainty, the expectation is that local authorities are pragmatic and will grant licences the maximum 2 years.”

The policy proposes to set the maximum licence duration at 2 years.

- 3.8.3 Application consultation – there is a requirement for the authority to consult on licensing applications.

The policy sets out at 3.3 the proposed standing partners that the authority will consult with.

- 3.8.4 Site Assessment – It is open to the authority to consider “a number of factors, when determining whether to approve the application”.

The policy outlines in paragraph 3.5 the matters it will consider when determine whether an application should be granted or refused.

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- 3.8.5 Conditions – The authority has discretion to set its own local licensing conditions for pavement licences.

The policy outlines in, Appendix 2, the proposed “Standard Pavement Licence Conditions”. This includes a new standard requirement for pavement licence holders to comply with a request by the authority to remove objects where there will be a clash with an established market on the same location.

4. Draft Street Scene Policy

- 4.1 Along with the consultation of the draft Pavement Licence policy, a review of the existing Street Scene policy was also undertaken.
- 4.2 Some minor changes have been made to this policy as indicated in the tracked changes.

5. Consultation

- 5.1 The 6-week consultation can be found on the authority’s website and closes on 7 September 2025.
- 5.2 To assist the committee with considering its response, a copy of both the draft policies are attached to this report.
- 5.3 Cabinet will consider the policy proposals and consultation feedback in due course following the conclusion of the consultations.

Background Papers

Service Records

Appendices

Appendix 1 – Draft Pavement Licence Policy

Appendix 2 – Draft Street Scene Policy

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